

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 11, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:08 p.m. Mayor Murphy adjourned the meeting at 3:28 p.m. into Closed Session on Tuesday, February 12, 2002 at 9:00 a.m. in the twelfth floor conference room to discuss existing and potential litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend Elizabeth Gavara of Glad Tidings
Assembly of God Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Gwinn.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED WITH AMENDMENTS TO MINUTES OF
JANUARY 15, 2002

Approval of Council Minutes for the meetings of:

01-14-2002
01-15-2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A045-063.)

MOTION BY PETERS TO APPROVE WITH A CHANGE MADE TO PAGE 9 OF THE MINUTES OF JANUARY 15, 2002 TO SAY "DO NOT DISPLAY THE SIGN THAT HAS THE ONE BLANK PANEL UNTIL DENNY'S RESTAURANT BEGINS OPERATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Vesna Clark-Curry Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-985) ADOPTED AS RESOLUTION R-296052

Proclaiming February 11, 2002 to be "Vesna Clark-Curry Day" in San Diego in recognition of her outstanding selfless volunteer contributions to the communities of Rancho Penasquitos, Carmel Mountain Ranch, Sabre Springs, Mira Mesa, Miramar, and Scripps Ranch.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-108.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Reverend Clyde Gaines Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-965) ADOPTED AS RESOLUTION R-296053

Commending Reverend Clyde Gaines for his contributions to the City of San Diego;

Proclaiming February 11, 2002 to be "Reverend Clyde Gaines Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-161.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Ethics Commission Policies and Procedures.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/29/2002. (Council voted 8-0; Councilmember Peters not present.):

(O-2002-74) ADOPTED AS ORDINANCE O-19034 (NEW SERIES)

Amending the San Diego Municipal Code by amending Chapter 2, Article 6, Division 4, by amending Sections 26.0401, 26.0402, 26.0404, 26.0405, 26.0406, 26.0407, 26.0408, 26.0409, 26.0410, 26.0411, 26.0412, 26.0413, 26.0414, and 26.0415; and by adding Sections 26.0420, 26.0421, 26.0422, 26.0423, 26.0424, 26.0425, 26.0430, 26.0431, 26.0432, 26.0435, 26.0436, 26.0437, 26.0438, 26.0439, 26.0440, 26.0443, 26.0445, 26.0447, 26.0450, 26.0455, and 26.0456; and by reserving for future use Sections 26.0426, 26.0427, 26.0428, 26.0429, 26.0433, 26.0434, 26.0441, 26.0442, 26.0444, 26.0446, 26.0448, 26.0449, 26.0451, 26.0452, 26.0453, and 26.0454; by amending Chapter 2, Article 7, Division 1, Section 27.0103; by amending Chapter 2, Article 7, Division 29, Section 27.2963; by amending Chapter 2, Article 7, Division 29, Section 27.2971; and by amending Chapter 2, Article 7, Division 40, Section 27.4027; all relating to Creating Investigation and Enforcement Procedures for the City of San Diego Ethics Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Office Space Lease Amendment - Comerica Bank Building (Floors 10 to 13).

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-77) INTRODUCED; TO BE ADOPTED ON MONDAY,
FEBRUARY 25, 2002

Introduction of an Ordinance authorizing the City Manager to execute a Sixth Amendment to Office Lease agreement with 400 West Broadway, LLC, to extend the City's lease term for floors 10 through 13 to terminate coterminously with floors 3 through 9, that termination date being May 31, 2013;

Declaring that there is no additional Fiscal Year 2002 impact. The rent is budgeted under the FY02 Rent Budget and paid by the Water Department under Dept. 760, Fund 002431.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City has been leasing office space in the Comerica Bank Building, located at 600 B Street, since June 1, 1993. Currently, the City occupies floors 3 through 13, and the P-1 mailroom, totaling approximately 157,314 square feet. The City is proposing to extend its lease term for floors 10 through 13 to terminate coterminously with floors 3 through 9, being May 31, 2013. Extending these floors early will guarantee continued low rental rates and future expansion space for the existing City departments at 600 B.

The basic lease terms are as follows:

TERM - Approximately 10 years with a lease expiration of May 31, 2013.

RENT - Currently \$1.45 per square foot or \$81,542.20 per month. This rental rate is below market compared to similar space in the downtown core.

USE - General office space.

SIZE - Approximately 56,236 square feet.

FISCAL IMPACT:

No additional FY02 impact. The rent is budgeted under the FY02 Rent Budget and paid by the Water Department under Dept. 760, Fund 002431.

Herring/Griffith/DLM

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B078-315.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Two actions related to Inviting Bids and Award of Construction Contract for Sewer Group 706.

(See Frank Belock Jr.'s 10/24/2001 memo. Kensington-Talmadge Community Area. District-3.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-839) ADOPTED AS RESOLUTION R-296054

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group 706 on Work Order No. 175421;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,571,224 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02068C)

Subitem-B: (R-2002-840) ADOPTED AS RESOLUTION R-296055

Certifying that the Mitigated Negative Declaration LDR-41-0304 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines and that the information contained in the report has been reviewed and considered by Council;

Approving Mitigated Negative Declaration LDR-41-0304;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/31/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group 706 is part of the City's ongoing sewer main replacement program. This action involves the replacement of 4,241 linear feet of 8-inch concrete sewer mains, the replacement of 827 linear feet of 8-inch vitrified clay sewer mains, and the replacement of 189 linear feet of 8-inch polyvinyl-chloride sewer mains. The sewer mains to be replaced in the project were constructed as early as 1923, and have reached the end of their useful service life. Replacement of these deteriorated sewer mains will provide the community with a safe, reliable sewer infrastructure well into the 21st century.

This project is located in the Kensington-Talmadge community area. It is bounded by 44th Street to the northwest, Aldine Drive to the east, and Monroe Avenue to the south.

FISCAL IMPACT:

The total estimated cost of this project is \$1,571,224. Funding in the amount of \$1,571,224 is available from Sewer Fund 41506, Annual Allocation for Sewer Main Replacement, CIP-44-001.0, of which \$277,660 is for engineering, \$1,232,013 is for construction, and \$61,551 is for contingencies. This project will be phase-funded in FY02 for \$290,784 and in FY03 for \$1,280,440.

Loveland/Belock/HR

WWF-02-557.

FILE LOCATION: W.O. 175421

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Balboa Terrace Trunk Sewer Project - Easement Acquisitions.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1034)ADOPTED AS RESOLUTION R-296056

Authorizing the City Manager or his designee to expend an amount not to exceed \$60,500 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewers, for the acquisition of property rights and related costs for CIP-46-195.2, Balboa Terrace Trunk Sewer.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Terrace Trunk Sewer Project will upgrade and relocate approximately 1,500 lineal feet of an existing trunk sewer line, a portion of which is currently encased within a 72-inch storm drain line. This action authorizes funding and the acquisition of sewer easements from two property owners necessary for the proposed realignment and installation of the new upgraded pipeline.

FISCAL IMPACT:

Funding in the amount of \$60,500 to cover the acquisition of the necessary property rights and related costs is available in Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewers.

Herring/Griffith/SAC

Aud. Cert. 2200762.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Reward for Information Concerning Chollas Creek Sewer Spill.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1043)ADOPTED AS RESOLUTION R-296057

Directing the City Auditor and Comptroller to establish a reward fund in the amount of \$10,000 for information leading to the arrest and conviction of the responsible parties who caused a sewer spill by vandalism in the Chollas Creek Trunk Sewer in mid-January, 2002;

Declaring that the contribution of \$1,000 from Crime Stoppers to the reward fund is gratefully accepted and directing it to be included in this reward.

CITY MANAGER SUPPORTING INFORMATION:

In January 2002, the City of San Diego experienced a sewer spill at the Chollas Creek Trunk Sewer of approximately 1 million gallons as a result of vandalism to the Trunk Sewer. It is recommended that the City establish a reward of \$10,000 for information leading to the arrest and conviction of individuals who vandalized the Chollas Creek Trunk Sewer resulting in a sewer spill. Crime Stoppers has agreed to fund \$1,000 of the \$10,000 reward; therefore, City's cost for the reward will be \$9,000.

FISCAL IMPACT:

Funds for this reward are available in the Metropolitan Wastewater Department's FY2002 Budget.

Mendes/Tulloch/WJH

Aud. Cert. 2200783.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A543-B077.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Reimbursement to the Century Club of San Diego for Course Improvements at Torrey Pines Golf Course.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-811) ADOPTED AS RESOLUTION R-296058

Authorizing the City Auditor and Comptroller to expend \$950,000 to reimburse the Century Club of San Diego from CIP-25-004.0, Torrey Pines Golf Course - Reconstruction of 19 Greens (Fund No. 41402), pursuant to the Agreement for Improvements on the South Course at Torrey Pines Golf Course, for reimbursement of the City's portion of costs for the construction of course improvements on Torrey Pines South Golf Course.

CITY MANAGER SUPPORTING INFORMATION:

On June 12, 2001, by Resolution R-294994, City Council approved an Agreement with The Century Club of San Diego (Document No. RR-294994) to accelerate reconstruction of 19 greens and other course improvements at Torrey Pines South Golf Course. The Agreement included the City reimbursing The Century Club \$950,000 from the Torrey Pines Golf Course CIP Fund No.41402 if funds for reconstruction of 18 greens on Torrey Pines South and one practice green were allocated by City Council at any time through FY 2008. Reconstruction of the greens began July 20, 2001 and was completed on November 1, 2001. The Century Club has spent \$3,058,064 in construction costs on reconstructing the 19 greens and other course improvements on the Torrey Pines South Golf Course. The improvements have raised the conditions on Torrey Pines South to championship-level. Payment of the \$950,000, as approved by City Council on June 12, 2001, has been requested by The Century Club. Funds have been identified in the Golf Operations Enterprise Fund's FY 2002 budget and are available for payment to The Century Club at this time.

FISCAL IMPACT:

\$950,000 from Torrey Pines Golf Course CIP Fund No. 41402.

Herring/McLatchy/JA

Aud. Cert. 2200693.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Two actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-981) ADOPTED AS RESOLUTION R-296059

Carlos Bravo - Engineering and Capital Projects Department - \$2,867.75

Subitem-B: (R-2002-980) ADOPTED AS RESOLUTION R-296060

DeVere Brasted - Park and Recreation Department - \$500.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Settlement of the Property Damage Claim of the San Diego Humane Society and S.P.C.A., City File #LP02-0070-1850.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1023)ADOPTED AS RESOLUTION R-296061

A Resolution approved by the City Council in Closed Session on Tuesday, December 11, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, in connection with Superior Court Case No. GIC 761524, San Diego Humane Society and S.P.C.A v. Bently, et al., resulting from the Bently encroachment on property located at 5480 Gaines Street, sold by the City to the San Diego Humane Society and S.P.C.A. (Humane Society);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$44,677.70, made payable to the San Diego Humane Society and S.P.C.A. in full settlement of all claims based upon the lawsuit;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund (\$20,000) and Fund No. 30244, Animal Shelter Capital Improvement Project (\$24,677.70).

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the claim of San Diego Humane Society and S.P.C.A against the City of San Diego, its agents and employees.

Lexin/Lopez/DM

Aud. Cert. 2200755.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Cancellation of the 2:00 p.m., Wednesday, May 22, 2002, Public Safety and Neighborhood Services Committee Meeting.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1031)ADOPTED AS RESOLUTION R-296062

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002 to delete the Public Safety and Neighborhood Services Committee meeting of Wednesday, May 22, 2002, at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-107: Cancellation of the June 5, 2002 Public Safety and Neighborhood Services Committee Meeting.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1032)ADOPTED AS RESOLUTION R-296063

Amending the schedule of meetings for the 2002 City Council and Standing Committees of the City Council to delete the Public Safety and Neighborhood Services Committee meeting of Wednesday, June 5, 2002 at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-108: Meeting Excusal.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1030)ADOPTED AS RESOLUTION R-296064

Excusing Councilmember Brian Maienschein from attending the regularly scheduled meeting of the Committee on Public Safety and Neighborhood Services of January 23, 2002, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Propositions 40 and 42 on Statewide Ballot in March 2002.

(See City Manager Report CMR-02-028 and Andrew Poat's 1/23/2002 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1006)ADOPTED AS RESOLUTION R-296065

Supporting Propositions 40 and 42 and directing the Governmental Relations Department to notify the appropriate advocates for each proposition of the City's adopted position.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 1/23/2002, RULES voted 4-0 to support Propositions 40 and 42 and direct the Governmental Relations Department to forward the adopted position to the appropriate advocates for the measures. (Councilmembers Wear, Atkins, Madaffer and Mayor Murphy voted yea. Deputy Mayor Stevens not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-110: FBA Credit and Reimbursement Agreement with D.R. Horton San Diego Holding Company for Carmel Valley Road.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-913) ADOPTED AS RESOLUTION R-296066

Authorizing the City Manager to execute a FBA Credit and Reimbursement Agreement with D.R. Horton San Diego Holding Company for Carmel Valley Road;

Authorizing the City Auditor and Comptroller to add CIP-52-466.0, Carmel Valley Road from Via Albutura to Camino Ruiz, to the FY 2002 CIP budget;

Authorizing the expenditure of an amount not to exceed \$3,300,000 from PDIF Fund 39069, CIP-52-466.0, consistent with the timing established in the most recently adopted Torrey Highlands Public Facilities Financing Plan, contingent upon the Auditor and Comptroller certifying that the funds necessary for said agreement are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

D.R. Horton San Diego Holding Company has agreed to complete a portion of the widening of the existing Carmel Valley Road to a four-lane street. The project, identified as T-4.3, in the adopted FY 2002 Torrey Highlands Public Facilities Financing Plan, has been scheduled for Fiscal Years 2003-2004.

The widening of Carmel Valley Road is a requirement of the current phase of the Torrey Highlands Transportation Phasing Plan (TPP). The improvement must be assured before any further building permits can be issued beyond the level allowed in this phase of the TPP. Since there will not be sufficient funds in the Torrey Highlands FBA until FY 2004 to construct the road, D.R. Horton has agreed to undertake the construction of a portion of the project now in return for credit and/or reimbursement at a later date. This agreement documents the terms of that reimbursement to D.R. Horton. Once the remaining portions of the project are constructed by the respective owners, development will be able to proceed beyond the currently allowed level and building permits will continue to be issued.

Ewell/Goldberg/GH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Second Amendment to Agreement - Mission Trails Regional Park Equestrian Staging Area.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-987) ADOPTED AS RESOLUTION R-296067

Authorizing the City Manager to execute a Second Amendment to Agreement with Wimmer Yamada and Caughey for the construction documents and related professional services for the Mission Trails Regional Park Equestrian Center Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$156,107 from CIP-20-010.0, Annual Allocation - Resource Based Open Parks, Mission Trails Regional Park - East Fortuna Equestrian Staging Area, (Sublet CIP-20-101.3).

CITY MANAGER SUPPORTING INFORMATION:

This project will provide a 12 acre equestrian, hiking and biking staging area at Mission Trails Regional Park, located in the northeast corner of the Park, off Mast Boulevard. The ultimate facility will consist of a multi-purpose building, a parking lot for equestrian, hiking and biking users, group picnic area, and multi-purpose arenas. The construction of the project will be provided in two phases. Phase one will consist of the parking lot and multi-purpose arenas. Phase two will consist of the building and the group picnic area. On April 26, 1999, the City of San Diego and Wimmer Yamada and Caughey entered into an agreement for professional services required for the preparation of a General Development Plan for the Mission Trails Regional Park Equestrian Center project.

On January 23, 2001, the First Amendment to the Agreement was approved by the City Manager, Manager Action C-10580, for Wimmer Yamada and Caughey to provide additional technical studies required for the Site Development Permit and the environmental review that were not originally part of the scope of services. This Second Amendment to the Agreement will revise the scope of services to: 1) provide the construction documents and 2) provide construction administration for phase one. Council Action is required for the Second Amendment because the cumulative amount of money awarded to the consultant exceeds \$250,000 in a fiscal year (total amount including this contract will be \$354,107).

FISCAL IMPACT:

The proposed Second Amendment to the Agreement will increase the base fee from \$70,900 to \$183,570 (\$112,670 increase) and will increase the additional services from \$65,000 to \$108,437 (\$43,437 increase). Funds for the Second Amendment are available from CIP-20-101.3, Mission Trails Regional Park East Fortuna Equestrian Staging Area, for this purpose.

Herring/Van Wanseele/RS

Aud. Cert. 2200758.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Two actions related to Lease Approval - Kids Corner and San Diego Unified School District.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-975) ADOPTED AS RESOLUTION R-296068

Authorizing the City Manager to execute a ten-year lease agreement with Kids Corner, Inc. for a children's recreational and child-care program in the City-owned building located at 1425 Washington Place, San Diego, California, at an initial monthly rent of \$750.

Subitem-B: (R-2002-976) ADOPTED AS RESOLUTION R-296069

Authorizing the City Manager to execute a 25-year ground lease agreement with San Diego Unified School District for a portion of Grant Elementary School grounds occupied by the City-owned building located at 1425 Washington Place, San Diego, at no cost to the City.

CITY MANAGER SUPPORTING INFORMATION:

The City acquired the former kindergarten building located at the southwest corner of Grant Elementary School ground by a quitclaim deed in 1974. Although the City owns the building,

the property was retained by the school district. In 1975 the Park and Recreation Department entered into a 25 year lease agreement with the school district to maintain a recreational field house at the site. This field house, former kindergarten school building, has become the child care center that provides children's recreational and child care programs during non-school hours. In 1988 Real Estate Assets began administration of the lease and entered into a three year lease agreement with Kids Corner to operate the program as an extension of Grant Elementary School child-care. The building has been leased to Kids Corner at a monthly rent of \$600 since 1981. The ground lease with the school district and lease agreement with Kids Corner are now on holdover. The proposed 25 year ground lease agreement with the San Diego Unified School District has been approved by the school board and is at no cost to the City. The proposed 10 year lease agreement with Kids Corner will be at an initial monthly rent of \$750 and is subject to Consumer Price Index adjustments. The monthly rent was determined by staff review and negotiations with the lessee. The lessee will be responsible for all building maintenance and payment of all utilities servicing the building.

The basic terms of the Kids Corner lease are:

SIZE - Approximately 1806 square feet.

TERM - Ten (10) years.

RENT - \$750 per month.

USE - Children's recreational and child care program.

FISCAL IMPACT:

\$9,000 will be deposited into the General Fund 100 for the first year of the Kids Corner lease agreement.

Herring/Griffith/DCM

FILE LOCATION:

Subitem A: LEAS-KIDS CORNER, INC.

Subitem B: LEAS-San Diego Unified School District for a portion of Grant Elementary School grounds

COUNCIL ACTION:

(Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1021)ADOPTED AS RESOLUTION R-296070

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-114: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-900) ADOPTED AS RESOLUTION R-296071

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

COUNCIL ACTION: (Tape location: B316-477.)

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Declaring a Continued Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1022 Cor. Copy) ADOPTED AS RESOLUTION R-296072

Declaring a continued local health emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The

Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local health emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Salary Setting Commission Report on Mayor and Councilmember Recommendations.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1042)RECEIVED REPORT; DISCUSSION AND DECISION
CONTINUED TO MAY 7, 2002

Accepting the report of the Salary Setting Commission dated January 31, 2002, regarding their salary recommendations for the positions of Mayor and Councilmember for Fiscal Year 2003 and 2004.

The City Council has the option of accepting the report and:

- 1) Directing the City Attorney to include the recommendations (or something less) in the FY 2003 and FY 2004 Salary Ordinances;
- 2) Continue the matter to a future date to make the decision;

3) Decline to accept the recommendations

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A241-537.)

MOTION BY WEAR TO RECEIVE THE REPORT OF THE SALARY SETTING COMMISSION DATED JANUARY 31, 2002 AND CONTINUE TO TUESDAY, MAY 7, 2002 THE DISCUSSION AND DECISION ON THE RECOMMENDATIONS.

Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO REFER THIS ITEM TO THE CITY ATTORNEY TO EVALUATE ALTERNATIVE WAYS TO SET SALARIES FOR THE MAYOR AND COUNCIL. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-S400: Sharp Healthcare 12th Annual Women's Health Symposium Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1055)ADOPTED AS RESOLUTION R-296074

Recognizing the contributions of Sharp Healthcare in promoting the health of San Diego women, and congratulating Sharp Healthcare on the 12th Annual Women's Symposium;

Proclaiming February 9, 2002 to be "Sharp Healthcare 12th Annual Women's Healthcare Symposium Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Adjournment of the City Council Meetings of March 11 and 12, 2002.

(See Mayor Murphy's memo dated 2/5/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1060)ADOPTED AS RESOLUTION R-296075

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002 to adjourn the City Council meetings of March 11 and 12, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Reappointments to the Qualcomm Stadium Advisory Board.

(See memorandum from Mayor Murphy dated 2/1/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1059)ADOPTED AS RESOLUTION R-296076

Council confirmation of the following reappointments by the Mayor to serve as members of the Qualcomm Stadium Advisory Board for terms ending January 1, 2006:

NAME

Doug E. Barnhart - Chairperson
Simon F. Coleman
Harold R. Lewis
Karen L. McElliott
John R. Wertz

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-240.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

HEARING HELD/REFERRED TO CLOSED SESSION

ITEM A - Headquarters Point Research Park

Property: An approximate 10.3 acre area of Headquarters Point Research Park located west of Wateridge Circle and east of Lusk Boulevard (APN-340-090-55).

City Negotiator: Real Estate Assets Director

Negotiating Party: Life Science Point LLC

Under Negotiation: Seeking direction on property disposition and provisions to include in a Letter of Interest.

ITEM B - San Diego Mission Bay Boat and Ski Club

Property: An approximate 4 acre parcel adjacent to Rose Creek in Mission Bay Park (APN-760-035-04).

City Negotiator: Real Estate Assets Director

Negotiating Party: San Diego Mission Bay Boat and Ski Club

Under Negotiation: Lease negotiations for potential relocation from existing site to South Shores area of Mission Bay Park.

ITEM C - Orfila Vineyards

Property: Approximately 121 acres at 13455 San Pasqual Road (APN-760-170-71).

City Negotiator: Real Estate Assets Director

Negotiating Party: Orfila Vineyards

Under Negotiation: lease amendment for audit deficiency settlement

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on these subjects; 2) Conclude and close the public hearing; and 3) Refer these matters to Closed Session on February 12, 2002.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A538-542.)

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:28 p.m. in honor of the memory of:

David Cheney as requested by Council Member Frye and Jack L. Klausen as requested by Council Member Peters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B478-481.)